



CITY OF STAYTON
APPLICATION FOR VARIANCE TO THE LAND USE AND DEVELOPMENT
CODE

PROPERTY OWNER: Ellen Nunez
Address: 901 E Jefferson St
City/State/Zip: Stayton OR 97383
Phone: (503) 851 - 6451 Email: enunez@wvi.com

APPLICANT: Ellen Nunez
Address: 901 E Jefferson St
City/State/Zip: Stayton OR 97383
Phone: (503) 851 - 6451 Email: enunez@wvi.com

APPLICANT'S REPRESENTATIVE: Ellen Nunez
Address: 901 E Jefferson St
City/State/Zip: Stayton OR 97383
Phone: (503) 851 - 6451 Email: enunez@wvi.com

CONSULTANTS: Please list below planning and engineering consultants, if any.

PLANNING

Name: _____
Address: _____
City/State/Zip: _____
Phone: () _____ - _____
Email: _____

ENGINEERING

Name: _____
Address: _____
City/State/Zip: _____
Phone: () _____ - _____
Email: _____

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

☒ owner ☐ applicant ☐ applicant's representative ☐ planning consultant ☐ engineer

LOCATION:

Street Address: 901 E Jefferson St Stayton OR 97383
Assessor's Tax Lot Number and Tax Map Number: map # 091W10DA00700
Closest Intersecting Streets: 10th Ave

ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: _____

LAND USE AND DEVELOPMENT CODE SECTION FROM WHICH A VARIANCE IS SOUGHT: encroachment

DESCRIBE THE PROPOSED VARIANCE REQUEST: I would like to be allowed to have a post on the RV cover be too close to the property line. 4 ft 7 in not 5 ft.

SIGNATURE OF APPLICANT: Ellen Nunez

DO NOT WRITE BELOW THIS LINE

Application received by: DBP Date: 2/2/22 Fee Paid: \$ 1,300 Receipt No. _____

Land Use File# 1-02/22

Narrative Statement for Variance Application

Ellen Nunez
901 E Jefferson St
Stayton OR 97383
503-851-6451
Feb 1, 2022

Stayton Planning Commission:

I own the property at 901 E. Jefferson, Stayton Or. Last January, we constructed a RV cover to the side of our house to protect our new travel trailer. Our lot is a parallelogram with the structures built to be square to the E. Jefferson street. Because of this odd shape the support 4 x 4s for our RV structure are various lengths from the property line.

The first post is 12 ft 6 in, the second post is 10 ft 5 in, the third post is 8 ft 4 in, the fourth post is 6 ft 2 in and the last post is 4 ft 7 in from the property line. The last post is not the required 5 feet from the property line.

When the contractors poured the concrete footers they measured the distance to the property line and knew the five foot requirement. When they returned to build, somehow the post was placed too close to the fence and it is 5 inches too close.

I am requesting a variance for the encroachment of the last post of the RV Cover that does not meet the required 5 foot distance to the property line.

Thank you for your time and consideration,

Ellen Nunez

Response Question for the Application for Variance to the Land Use and Development Code:

1. How is the property for which the variance is requested subject to extraordinary or exceptional circumstances.....?

Reply: One consideration that somewhat applies to this question is the fact that the lot that the RV structure is located on is not a square lot. It is a parallelogram with the structures on the property built square to the road. This is a consideration since the first 4 support 4 x 4s are ample distance from the property line. The first post is 12 ft 6 in, the second post is 10 ft 5 in, the third post is 8 ft 4 in, and the fourth post is 6 ft 2 in from the property line. It is only the last 4 x 4 post that is 4 feet 7 inches instead of the required 5 feet from the property line.

2. How is the variance necessary for the reasonable preservation of a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district?

Reply: I am not sure how this question should be answered in regards to our situation.

3. How does the variance conform to the purposes of the zoning regulations and not create a significant adverse impact on other properties in the same zoning district or in the vicinity?

Reply: The RV cover was constructed to protect the RV from the weather and to do it as esthetically pleasing as possible. Ideally, we would have built the cover closer to the rear property line to "hide" the RV from the street view, but the shape of the lot made that impossible. It was never our intention to purposely violate the city codes. We did NOT want to put a large tarp over the RV since that would create an eyesore for our neighbors. We did supervise the measuring and pouring of the cement footers and made it clear that they needed to be 5 feet from the fence. When the contractors came back and continued to construct the cover, the placing of the post was moved, and the post was no longer 5 feet from the fence. It is 4 feet 7 inches.

4. Does the requested variance create an identifiable conflict with the provisions of the Comprehensive Plan?

Reply: None that I am aware of.

5. Why would granting the variance not have the same effect as a zone change on this property?

Reply: The conflict with the encroachment of the property line is an isolated violation and minimal when compared to the entire property or even the entire RV cover.

6. How is this variance the minimum relief available to alleviate the problem?

Reply: The Structural Engineer that is evaluating the structure for Marion County has said that it is sound and the only change we need to make is to add "Y" braces to the top of the support posts. If the last support post needed to be moved or revamped in some way, it would no longer have the same structural integrity. Esthetically it would be less appealing from the perspective of the neighbor that shares the property line and the neighbor across the street that looks directly at it. Currently the encroachment is only 5 inches, and when I spoke to both neighbors regarding the variance, they were not aware of the violation since it does not appear to be right on the property line due to the angle of the lot. If we moved the post it would no longer be a straight structure and would be visually odd.

7. Why would granting this variance not have the effect of granting a special privilege not shared by other property in the same zoning district:

Reply: I believe by definition, a variance, "the fact or quality of being different, divergent or inconsistent", states that the Commission is granting special permission to go against the norm. I do not believe this is a special privilege, but rather a special process to address issues that come up in the community.

8. How is this request not a self-imposed condition as a result of an action taken by the applicant or a prior owner?

Reply: It absolutely was self-imposed. An error was made with the placement of the support post for the RV cover. It was not a purposefully self-imposed action, but none the less it was something we created.

Ellen Nunez

901 E Jefferson St

Stayton OR 97383

503-851-6451





Daniel Gifford
Shawna Gifford

859 E Jefferson St

Stayton Or 97383

January 31st, 2022

Planning Commission:

We currently reside at 859 E Jefferson St. We are adjacent to 901 E Jefferson St, and we share the property line that is in question with Ellen Nunez.

We were informed that she is seeking a variance for the RV structure that was constructed 5 inches too close to the property line last January. Our properties are parallelograms that have structures built square to E Jefferson St, so the first ~~three~~ support post are ample distance from the property line. However, the last 4 x 4 post of the RV structure is four feet 7 inches from our shared property line.

We support the granting of this building variance.

Signatures

Daniel Gifford
Shawna Gifford

882 E Jefferson St

Stayton Or 97383

January 31st, 2022

Planning Commission:

I currently reside at 882 E Jefferson St. I am directly across the street from 901 E E Jefferson St. I look directly at 901 E Jefferson.

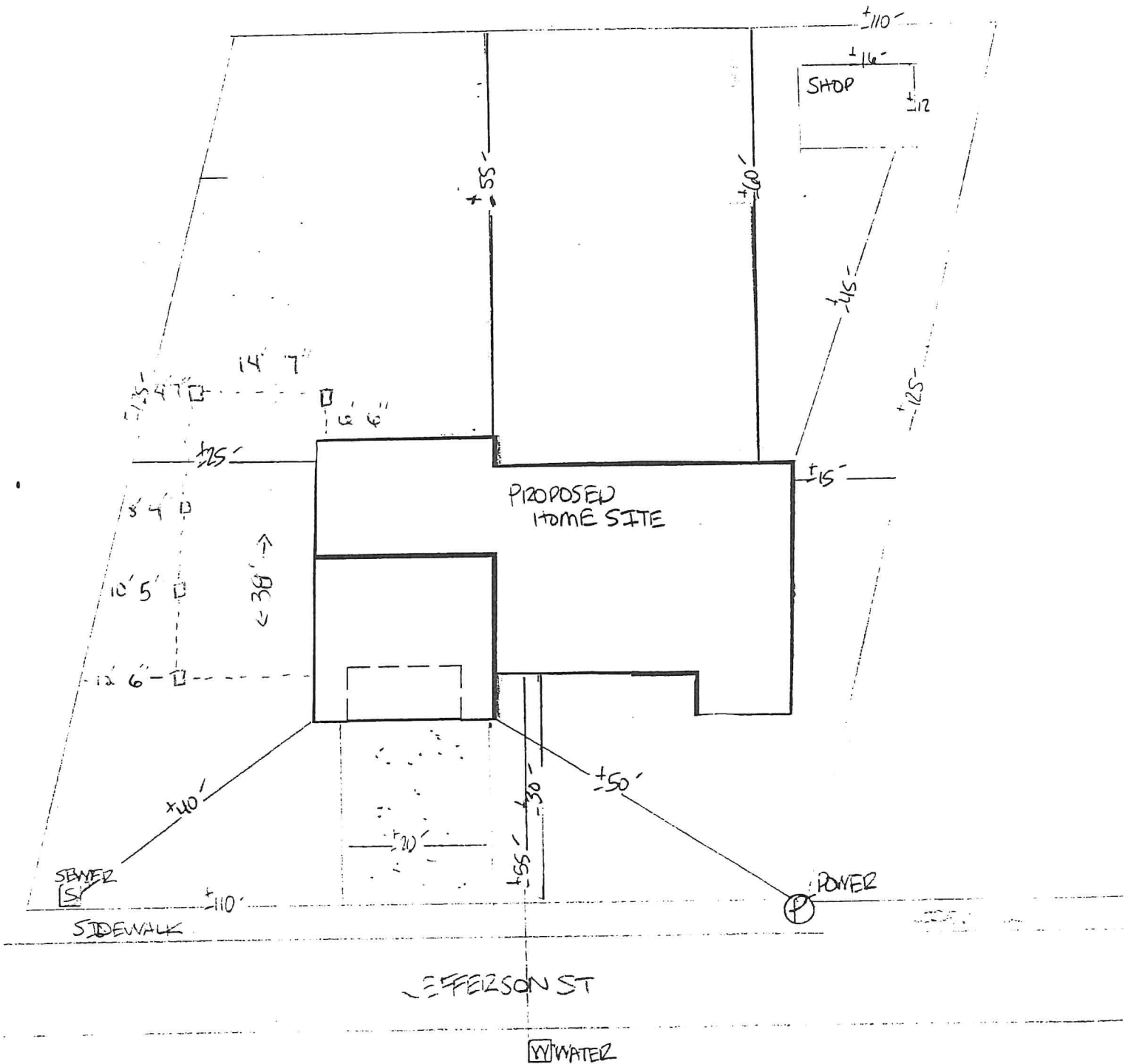
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I support the granting of this building variance.

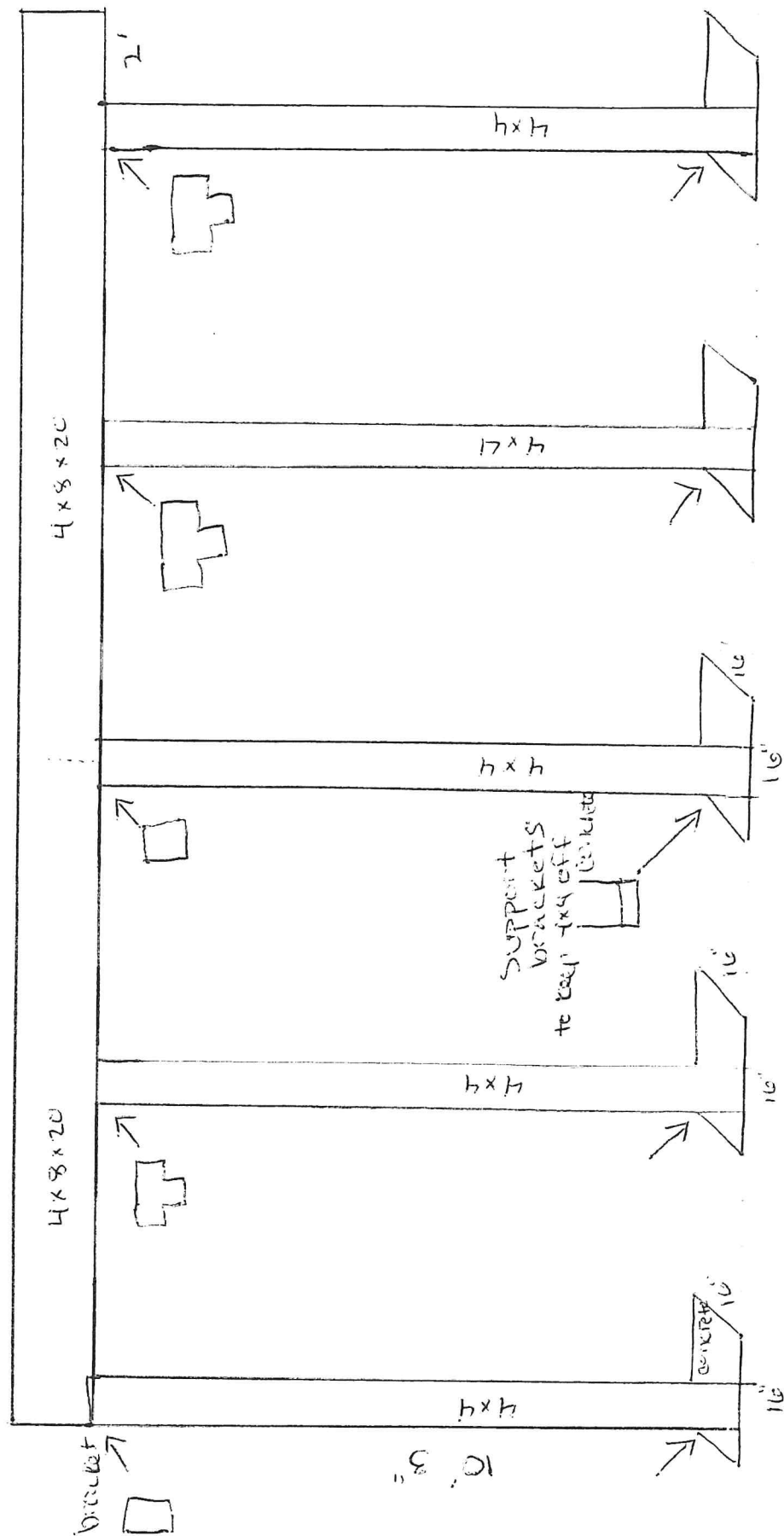
Signatures


Esther Borschowa

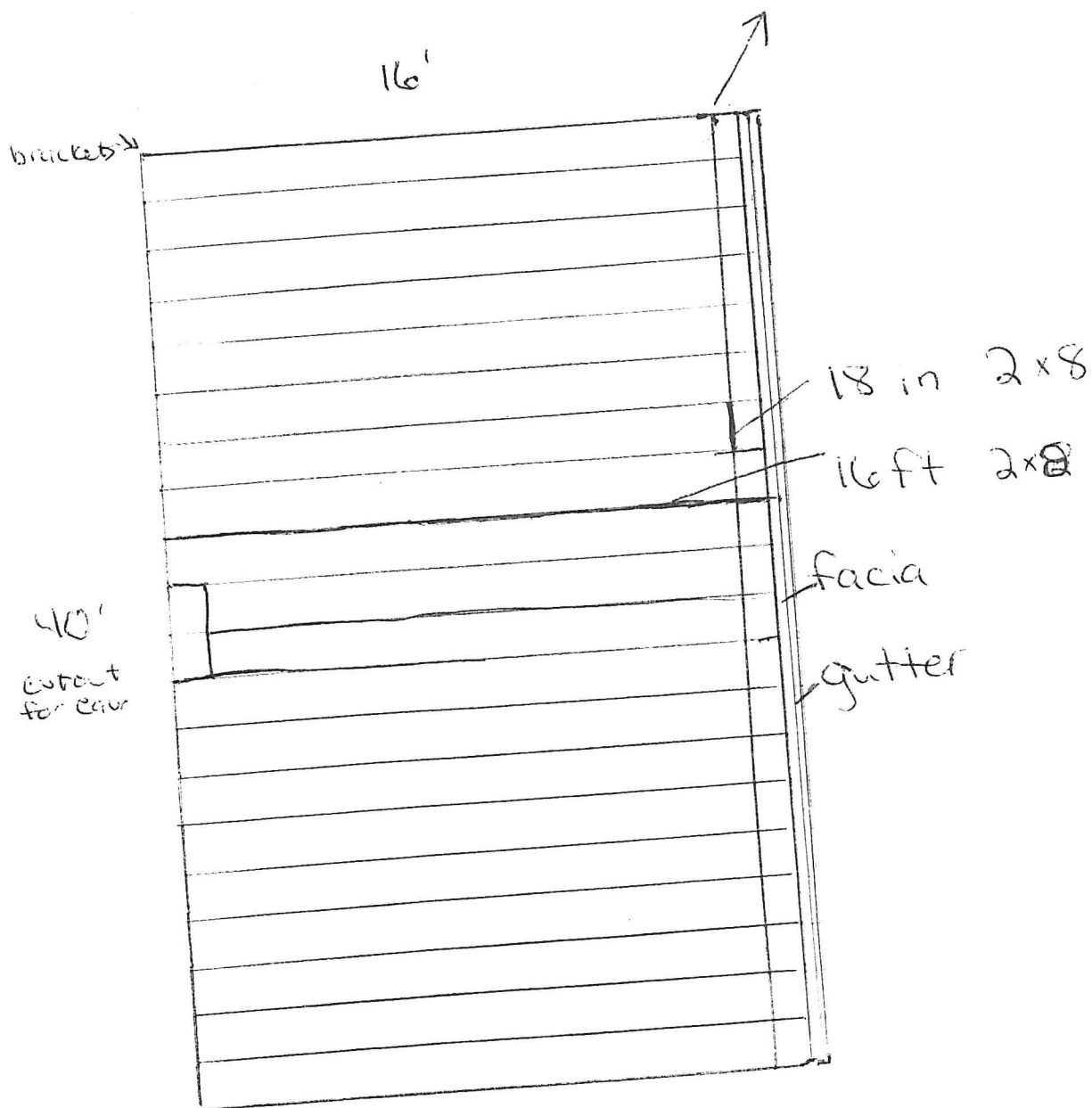
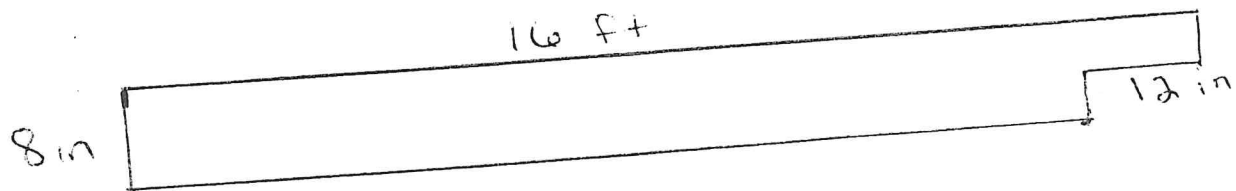
Map # 091W10DA00700 SCALE 1" - 20'



exterior wall of RV cover



Looking up at the roof



materials used

- 24 2x8x16 pressure treated
- 6 4x4x12 "
- 2 4x8x20 "
- 6 bags of concrete
- 6 mounting brackets for 4x4 L for post
- 20 hanging brackets for 2x8 U for rafter
- 6 4x4 brackets
- 15 sheets 4x8x $\frac{1}{2}$ plywood
- 40 ft gutter w down spout
- 2 rolls tar paper
- 2 squares composite roofing
- 70 ft L metal trim
- 2 2x6x20 fascia board